

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

*Plaintiff,*

**v.**

**RODOLFO SANABRIA SANCHEZ,**

*Defendant.*

**Case No. CR-09-037-RAW**

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**UNITED STATES' MOTION IN LIMINE REGARDING  
ISSUE OF PUNISHMENT AND BRIEF IN SUPPORT**

COMES NOW the United States of America, by and through Sheldon J. Sperling, United States Attorney, and Gregory Dean Burris, Assistant United States Attorney, and moves in limine for an order barring Defendant Rodolfo Sanabria Sanchez from commenting on or alluding to the potential punishment in this case during the jury trial.

Evidence regarding punishment or the effects of conviction has traditionally been held to be irrelevant, and therefore, inadmissible before the jury. The Tenth Circuit's Pattern Criminal Jury Instruction 1.20 (2006) provides: "If you find the defendant guilty, it will be my duty to decide what the punishment will be. You should not discuss or consider the possible punishment in any way while deciding your verdict."

Evidence which relates to the issue of punishment upon conviction of a criminal violation has no bearing on the only question the jury will be called upon to decide -- that of Defendant's guilt or innocence. Evidence dealing with any collateral consequences of conviction is similarly not probative of the issue of guilt or innocence. Since such evidence would not tend to prove or disprove any fact of consequence to the jury's determination of guilt or innocence, such evidence

is irrelevant, as defined by Rule 401 of the Federal Rules of Evidence. Such evidence should, therefore, be excluded under Rule 402, which provides that irrelevant evidence is inadmissible. Defendant should therefore not mention, argue or make any reference regarding the length of punishment faced if Defendant is convicted.

Respectfully Submitted,

SHELDON J. SPERLING  
United States Attorney

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**CERTIFICATE OF SERVICE**

I, hereby certify that on June 17, 2009, I electronically transmitted the attached documents to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/Gregory Dean Burris  
Office of United States Attorney